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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/690,733   | 10/21/2003  | King - Yurn Yao      | PUSA030833 (15749/436) | 7674             |
| 23595  | 7590        | 05/04/2004           | EXAMINER               |                  |
| NIKOLAI & MERSEREAU, P.A.<br>900 SECOND AVENUE SOUTH<br>SUITE 820<br>MINNEAPOLIS, MN 55402 |             |                      | NELSON JR, MILTON      |                  |
|  |             |                      | ART UNIT               | PAPER NUMBER     |
|  |             |                      | 3636                   |                  |

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

10/690,733

Applicant(s)

YAO, KING - YURN

Examiner

Milton Nelson, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with th correspond nce address --

**P r i d for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 5 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Brickman (4177737). Note the frame (10), U-shaped first support leg (14), U-shaped second support leg (16), opposite resting members (30, 32, 38) having a V-shape (see Figure 2), first pin (36), second pin (34), bent portion (see Figure 2, wherein the bent portion is at the joint 38), and each of the resting members being located above an intersection between the first support leg and the second support leg, and the bent portion of each resting member is directed upward, when the assembly is in the stretched state (note the assembly is stretched in between the positions shown in Figures 1 and 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tseng (6332646) in view of Brickman (4177737).

Tseng shows all claimed features of the instant invention with the exception of the two opposite resting members each pivotally mounted between a mediate portion of the first support leg and a mediate portion of the second support leg (claim 1); wherein each of the two resting members is substantially V-shaped (claim 2); wherein each of the two resting members has a first end pivotally mounted on an inner side of the first support leg by a first pin and a second end pivotally mounted on an outer side of the second support leg by a second pin (claim 3). In Tseng, note the support frame (40), first support leg (22, 21, 22), second support leg (12, 11, 12, 31, 31), pivot ears (41, 41') and pivot pins (42, 43).

Brickman shows a foldable seating assembly having two opposite resting members each pivotally mounted between a mediate portion of the first support leg and a mediate portion of the second support leg; wherein each of the two resting members is substantially V-shaped; wherein each of the two resting members has a first end pivotally mounted on an inner side of the first support leg by a first pin and a second end pivotally mounted on an outer side of the second support leg by a second pin. Note the description in the previous rejection under 35 USC 102.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify Tseng in view of the teachings of Brickman by adding two opposite resting members, each pivotally mounted between a mediate portion of the first support leg and a mediate portion of the second support leg (claim 1); wherein each of the two resting members is substantially V-shaped (claim 2); wherein each of the two resting members has a first end pivotally mounted on an inner side of the first support leg by a first pin and a second end pivotally mounted on an outer side of the second support leg by a second pin (claim 3). Such provides enhanced structural stability of the assembly while maintaining a folding capability.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brickman (4177737) in view of McDonald et al (3649074).

Brickman shows all claimed features of the instant invention with the exception of the mediate portion of the first support leg being provided with a limit rod rested on the mediate portion of the second support leg (claim 4); and the mediate portion of the first support leg being provided with a limit rod rested on the mediate portion of the second support leg when the foldable chair assembly is disposed at the stretched state, so that the first support leg is combined with the second support leg so as to support the support frame (claim 8).

McDonald et al shows a foldable seating assembly having a mediate portion of a first support leg (14) being provided with a limit rod (16) rested on the mediate portion of a second support leg (15); and the mediate portion of the first support leg (14) being

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provided with a limit rod (16) rested on the mediate portion of the second support leg (15) when the foldable chair assembly is disposed at the stretched state, so that the first support leg is combined with the second support leg so as to support a support frame.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify Brickman in view of the teachings of McDonald et al by adding a limit rod such that the mediate portion of the first support leg is provided with the limit rod rested on the mediate portion of the second support leg (claim 4); and the mediate portion of the first support leg being provided with the limit rod rested on the mediate portion of the second support leg when the foldable chair assembly is disposed at the stretched state, so that the first support leg is combined with the second support leg so as to support the support frame (claim 8). Such provides enhanced structural stability of the assembly while maintaining a folding capability.

#### ***Allowable Subject Matter***

Claims 5 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A folding furniture assembly is shown by each of Moody

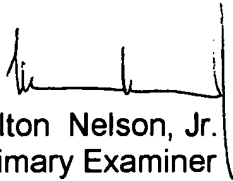
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(3157136), Law (3797695), Beekenkamp (4061305), Thompson (2587010), Anderson (939963), and Williams (5584254).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Friday 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Milton Nelson, Jr.  
Primary Examiner  
Art Unit 3636

mn  
May 3, 2004